

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

LINDA AUSTIN, et al.,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

No. 13-446 C

Judge Elaine Kaplan

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF THE
SETTLEMENT AGREEMENT OF BACK PAY, INTEREST, ATTORNEYS' FEES AND
COSTS, COSTS AND EXPENSES OF ADMINISTRATION, AND EMPLOYER
RELATED TAXES, UNDER THE BACK PAY ACT, APPROVAL OF THE WEBSITE
NOTICE TO THE CLASS, AND SCHEDULING OF A FAIRNESS HEARING**

Plaintiffs, for themselves and on behalf of the 4,537 members of the class who filed valid claims with the Class Action Administrator, respectfully submit this Unopposed Motion for Preliminary Approval of the parties' Settlement Agreement, which reflects the parties' agreement in this case as to the amounts of back pay owed to class claimants who filed valid class claims, interest under the Back Pay Act, attorneys' fees and costs, costs and expenses of the Class Action Administrator, and the government's contribution of employer-related taxes, all of which is to be paid by Defendant. Plaintiffs also seek, and Defendant does not oppose, the approval of the proposed Notice to the Settlement Class Members and the scheduling of a Fairness Hearing.

Plaintiffs hereby attach the following: a copy of the Settlement Agreement not including the identity of the Settlement Class Members set forth in Exhibit A thereto¹ (Pl. Ex. 1); the proposed form of the Court's Order preliminarily approving the Settlement Agreement (Pl. Ex. 2); and the proposed form of the Notice of the settlement to the Settlement Class Members by the Internet on the website maintained for this case by the Administrator (Pl. Ex. 3).

The Settlement Agreement negotiated between the parties provides for payment of 100% of the back pay owed to the Settlement Class Members as calculated by the VA, plus interest thereon through June 1, 2021. The parties have also negotiated and agreed upon the amount of attorneys' fees and expenses to be paid to Class Counsel and Class Of Counsel through the completion of the case, and the amount of fees and expenses to be paid to the Class Action Administrator also through the end of the case, all of which will be paid by Defendant and not from the amounts of back pay and interest to be paid to Settlement Class Members.

WHEREFORE, the parties agree, and Plaintiffs so move, that the Court should preliminarily approve the Settlement Agreement; the posting of the approved Notice of the Settlement Agreement to the Settlement Class Members by the Internet; and to schedule a "Fairness Hearing" at the Court's earliest convenience and within 45 - 60 days from the Court's Order granting the instant motion based on the schedule outlined in paragraphs 29 – 34 of the Settlement Agreement.

¹ Exhibit A to the Settlement Agreement lists all 4,537 Settlement Class Members by their full name, amount of backpay they are owed exclusive of pre-judgment interest, and the tracking number used by the Class Action Administrator. It is not attached here for several reasons, including the desire of Plaintiffs' counsel to maintain the financial privacy of Settlement Class Members and not expose them to potential fraud, scams or unwelcome solicitations. If the Court prefers that Exhibit A be included in the Court's docket for this case, Plaintiffs respectfully request that the Court order it to be filed under seal.

DATED: May 28, 2021

Respectfully submitted,

s/Steven W. Winton
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